



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CURTIS McDANIEL,

Plaintiff,

-against-

THE PEOPLE OF THE STATE OF NEW YORK, et
al,

Defendants.

1:19-CV-7680 (AJN) (KHP)

ORDER

CURTIS McDANIEL,

Plaintiff,

-against-

NYC FIRE DEPARTMENT, NYC POLICE
DEPARTMENT, JOHN and JANE DOES 1-7,
CITY OF NEW YORK,

Defendants.

KATHARINE H. PARKER, United States Magistrate Judge:

On January 13, 2022, the United States Marshals Service attempted to serve the Fourth Amended Complaint upon Defendant Espinal at the 23rd Precinct. (ECF No. 100.) However, service was unsuccessful because Defendant Espinal was no longer assigned to that command. Pursuant to a letter provided by Defendants (ECF No. 104), Defendant Rosanna Espinal's current location has been confirmed and is provided for the purpose of service of process:

Police Officer Rosanna Espinal, Shield No. 23019
Police Service Area ("PSA") 6
2770 Frederick Douglass Boulevard
New York, New York 10039

Because Plaintiff has been granted permission to proceed *in forma pauperis* (“IFP”), he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the Court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP). Accordingly, the Clerk of Court is respectfully requested to issue a summon to the above-listed Defendant, and the Marshalls are directed to serve the Fourth Amended Complaint on the above-listed by **April 29, 2022**.

CONCLUSION

To allow Plaintiff to effect service on Defendant Espinal through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendant Espinal with the address that was provided above. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service.

The Clerk of Court is directed to mail a copy of this order to Plaintiff at: Curtis McDaniel, DIN # 20-A-0242, Bare Hill Correctional Facility, Caller Box 20, 181 Brand Road, Malone, NY 12953

SO ORDERED.

Dated: March 23, 2022
New York, New York

A handwritten signature in blue ink that reads "Katharine H. Parker". The signature is written in a cursive, flowing style.

KATHARINE H. PARKER
United States Magistrate Judge